

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* GEOFREY S. STRONGIN and DALE E. GULICK

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Appeal 2007-1408  
Application 09/852,942  
Technology Center 2100

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Decided: June 18, 2007

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Before KENNETH W. HAIRSTON, LEE E. BARRETT,  
and LANCE LEONARD BARRY, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL  
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1 to 29. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants have invented a system and method of selectively coupling a memory to a processor and a bridge. The memory is selectively coupled to the processor and the bridge via a switching mechanism. During a first state,

the switching mechanism provides access from the processor to the memory, and during a second state, the switching mechanism provides access from the bridge to the memory (Figures 19A to 19C; Specification 60 to 62).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A system, comprising:
  - a processor;
  - a bridge coupled to the processor;
  - a memory selectably coupled to the bridge and the processor; and
  - a switching mechanism coupled between the memory and each of the processor and the bridge, wherein the switching mechanism includes a first state providing access from the processor to the memory and a second state providing access from the bridge to the memory.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Davis	US 5,844,986	Dec. 1, 1998
Chang	US 6,286,097 B1	Sep. 4, 2001 (filed Mar. 11, 1999)

The Examiner rejected claims 1 to 4, 10 to 16, 18 to 20, 23 to 26, 28, and 29 under 35 U.S.C. § 102(e) based upon the teachings of Chang. The Examiner rejected claims 5 to 9, 17, 21, 22, and 27 under 35 U.S.C. § 103(a) based upon the teachings of Chang and Davis.

Appellants contend that Chang “does not describe or suggest a switching mechanism that provides a first state providing access from a processor to a memory and a second state providing access from the device to the memory” (Br. 6).

We will sustain all of the rejections of record.

### ISSUES

Does the switching mechanism in Chang have a first state that provides access from a processor to a memory, and a second state that provides access from a device to the memory?

### FINDINGS OF FACT

Appellants describe a system in which a boot switch 3005 has a first switch position that provides access between a processor 805 and a memory 355, and a second position that provides access between a bridge device 330 and the memory 355 (Figures 19A to 19C; Specification 60-62). All of the claims on appeal provide for the two switching positions.

According to the Examiner's findings, "Chang discloses a computer system for accessing read only memory (ROM) wherein the computer system comprises a main processor (Fig. 8, 310), a bridge coupled to the processor (Fig. 8, 322), a memory selectably coupled to the bridge and the processor (Fig. 8, 350), a switching mechanism coupled between the memory of each of the processor and the bridge, wherein the switching mechanism includes a first state providing access from the processor to the memory and a second state providing access from the bridge to the memory (Fig. 8, 325 & Abstract)" (Answer 3).

In response to Appellants' contention, the Examiner states that "when an individual switching circuit is switched to input B, the claimed limitation of a first state is met because the main processor is connected to the ROM through the B connection in the individual switching circuit [Figure 8 of Chang; col. 7, ll. 44 to 62; Abstract]" (Answer 7). "[W]hen the individual

switching circuit is switched to input A, the claimed limitation of a second state is met because element 322 is connected to the ROM through the A connection in the individual switching circuit” (Answer 7-8).

Davis was cited by the Examiner for a disclosure of “a secure BIOS ROM that is housed within a crypto-processor so that when the computer system boots, the main processor issues a read request for an address corresponding to the BIOS program” (Answer 5).

#### PRINCIPLES OF LAW

Anticipation is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1946 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

The Examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). The Examiner’s articulated reasoning in the rejection must possess a rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

### ANALYSIS

We agree with all of the Examiner's findings concerning the teachings of Chang. We additionally agree with the Examiner that all of the limitations of claims 1 to 4, 10 to 16, 18 to 20, 23 to 26, 28, and 29 read directly on the description of Chang.

### CONCLUSIONS OF LAW

Anticipation has been established by the Examiner because Chang discloses each and every limitation of the claimed invention set forth in claims 1 to 4, 10 to 16, 18 to 20, 23 to 26, 28, and 29.

Since Appellants have not presented any patentability arguments for claims 5 to 9, 17, 21, 22, and 27 apart from the arguments presented for claim 1, we find that the Examiner has demonstrated the obviousness of these claims.

### DECISION

The anticipation rejection of claims 1 to 4, 10 to 16, 18 to 20, 23 to 26, 28, and 29 is affirmed. The obviousness rejection of claims 5 to 9, 17, 21, 22, and 27 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

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